

PATENT  
Attorney Docket No. 101.0094-02000  
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: ) Confirmation No.:6676  
Gary K. Michelson )  
Serial No.: 10/808,852 ) Group Art Unit: 3726  
Filed: March 25, 2004 ) Examiner: Stephen Kenny  
For: METHOD FOR FORMING AN )  
ORTHOPEDIC IMPLANT SURFACE)  
CONFIGURATION )

Mall Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed concurrently with a Request for Continued Examination (RCE) for the above-referenced application.

Copies of the listed non-U.S. patent documents are attached.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

An English-language translation/abstract of the non-English European document is attached.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant

reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1068.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: October 14, 2005

By: /AMEDEO F. FERRARO/  
Amedeo F. Ferraro  
Registration No. 37,129

1557 Lake O'Pines Street, NE  
Hartville, Ohio 44632  
Telephone: (330) 877-0700  
Facsimile: (330) 877-2030

10-14-2005 14:28 From-MARTIN&amp;FERRAROLLP

3308772030

OCT 25 2005 P-0159028 F-736

OMB 0651-0031

Substitute for FORM PTO-1449		Attorney Docket Number 101.0094-02000	Customer No. 22882
<b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>		Applicant Gary K. Michelson	Application Number 10/808,852
(Use several sheets if necessary) <b>Sheet 1 of 1</b>		Filing Date March 25, 2004	Group Art Unit 3726
<b>U.S. PATENT DOCUMENTS</b>			

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5,306,308	4/1994	Gross et al.			
	5,425,772	6/1995	Brantigan			
	5,713,899	2/1998	Mamay et al.			
	5,865,845	2/1999	Thalgott			
	5,888,227	3/1999	Cottle			
	5,989,289	11/1999	Coates et al.			
	6,019,793	2/2000	Perten et al.			
	6,080,158	8/2000	Lin			
	6,143,033	11/2000	Paul et al.			
	6,425,920	7/2002	Hamada			
	6,511,509	1/2003	Ford et al.			
	6,660,038	12/2003	Boyer, II et al.			

**FOREIGN PATENT DOCUMENTS**

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION (YES/NO)
	0 637 440	2/1995	Europe			Abstract Only
	1 107 854	8/1984	Soviet Union			No

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**


EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.